

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, NY**

IN RE BANK OF AMERICA CORP. SECURITIES, DERIVATIVE, AND EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) LITIGATION	Master File No. 09 MDL 2058(PKC) ECF CASE
THIS DOCUMENT RELATES TO: CHARLES N. DORNFEST, Plaintiff v. BANK OF AMERICA CORPORATION, MERRILL LYNCH & CO, INC., KENNETH D. LEWIS, JOE L. PRICE, NEIL A.COTTY, JOHN A. THAIN, WILLIAM BARNET III, FRANK P. BRAMBLE, SR., JOHN T. COLLINS, GARY L. COUNTRYMAN, TOMMY R. FRANKS, CHARLES K. GIFFORD, MONICA C. LOZANO, WALTER E. MASSEY, THOMAS J. MAY, PATRICIA E. MITCHELL, THOMAS M RYAN, O. TEMPLE SLOAN, JR., MEREDITH R. SPANGLER, ROBERT L. TILLMAN, and JACKIE M. WARD, Defendants.	Civil Action No. 10-CIV-275 (PKC) ECF Case <u>NOTICE OF APPEAL</u>

NOTICE is hereby given that Plaintiff Charles N. Dornfest hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment entered on April 9, 2013 (Docket # 871 in C.A. No. 09 MDL 2058 and Docket # 109 in C.A. No. 10

Civ. 275), insofar as the Judgment dismissed the complaint of Plaintiff Charles N. Dornfest for violations of the Securities Laws; and the ORDER, entered on September 29, 2011 (Docket # 468 in C.A. No. 09 MDL 2058 and Docket # 66 in C.A. No. 10 Civ. 275), denying Plaintiff Charles N. Dornfest the right to move to certify a class of BoA option investors.

Dated: New York, New York
April 24, 2013

BRAGAR EAGEL & SQUIRE, PC

By: s/ Jeffrey H. Squire
Jeffrey H. Squire (JS 8910)
Raymond A. Bragar
Lawrence P. Eigel
885 Third Avenue, Suite 3040
New York, New York 10022
Telephone: (212) 308-5858
Facsimile: (212) 486-0462

ABBEY SPANIER, LLP

By: s/ Judith L. Spanier
Judith L. Spanier
Karin E. Fisch
212 East 39th St.
New York, New York 10016
Telephone: (212) 889 3700
Facsimile: (212) 684-5191

Attorneys for Plaintiff

To: ECF Service List